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Clinton L. Ballard

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EXAMINER

STACE, BRENT S

ART UNIT

PAPER NUMBER

2161

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/808,033

Applicant(s)

BALLARD, CLINTON L.

Examiner

Brent S. Stace

Art Unit

2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 March 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 3/23/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Remarks*

1. Claims 1-38 have been examined. Claims 1-38 have been rejected. This document is the first Office action on the merits.

### *Information Disclosure Statement*

2. The information disclosure statement is being considered by the examiner.

### *Specification*

3. The disclosure is objected to because of the following informalities:
  - a. The specification's last sentence does not end with a period.
  - b. Page 6 (including cover page), line 30 recites the word "iDVD." The use of the trademark "iDVD" has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.  
  
Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and *every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.*  
  
Appropriate correction is required.

### ***Drawings***

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "157" in Fig. 14 has been used to designate both "download directory of ops. to client" and "view specific operation". Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

5. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the hand-drawn drawings hinder the understanding of the specification. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

### **INFORMATION ON HOW TO EFFECT DRAWING CHANGES**

#### **Replacement Drawing Sheets**

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Drawing changes must be made by presenting replacement sheets which incorporate the desired changes and which comply with 37 CFR 1.84. An explanation of the changes made must be presented either in the drawing amendments section, or remarks, section of the amendment paper. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). A replacement sheet must include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of the amended drawing(s) must not be labeled as "amended." If the changes to the drawing figure(s) are not accepted by the examiner, applicant will be notified of any required corrective action in the next Office action. No further drawing submission will be required, unless applicant is notified.

Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and within the top margin.

### **Annotated Drawing Sheets**

A marked-up copy of any amended drawing figure, including annotations indicating the changes made, may be submitted or required by the examiner. The annotated drawing sheet(s) must be clearly labeled as "Annotated Sheet" and must be presented in the amendment or remarks section that explains the change(s) to the drawings.

### **Timing of Corrections**

Applicant is required to submit acceptable corrected drawings within the time period set in the Office action. See 37 CFR 1.85(a). Failure to take corrective action within the set period will result in ABANDONMENT of the application.

If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings MUST be filed within the THREE MONTH shortened statutory period set for reply in the "Notice of Allowability." Extensions of time may NOT be obtained under the provisions of 37 CFR 1.136 for filing the corrected drawings after the mailing of a Notice of Allowability.

### ***Claim Objections***

6. Claims 5 and 6 are objected to because of the following informalities:

- Claim 5 exemplifies poor sentence structure by reciting, "identifying a back-up operation to restored to a requesting client computer." This objection propagates downward through dependent Claim 6.
- Claim 10 exemplifies poor sentence structure by reciting, "receiving an indication from the client computer requesting the publishing operation a number of copies to publish." This objection propagates downward through dependent Claim 11.
- Claim 15 appears to be attempting to claim a Markush group by reciting "having an image file type from among a group of image file types including a video image, an audio image, an audio-video image and a multimedia image."
- Claim 19 exemplifies poor sentence structure by reciting, "for each located record in the database having not file contents."

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 1-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

9. Claim 1 recites the limitation "the client computer" in lines 16-17, 23, 28, and 29. There is insufficient antecedent basis for this limitation in the claim. This rejection propagates downward through dependent Claims 2-15.

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 1, 3-7, 12-14, 16-19, 24-26, 28, 30, 34-36, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0046260 (Satyanarayanan et al.) in view of U.S. Patent No. 6,560,620 (Ching).

For **Claim 1**, Satyanarayanan teaches: "A method for uploading files for online storage in a global communication network having a client server computer and a plurality of client computers, [Satyanarayanan, paragraph [0070] with Satyanarayanan, Fig. 4] the method comprising:

- identifying files to be uploaded for online storage as part of a first operation;  
[Satyanarayanan, paragraph [0110]]
- for each identified file, generating a record to be uploaded to the client server computer, the record including identifying information for the corresponding file, the identifying information comprising file size and file checksum data;  
[Satyanarayanan, paragraphs [0111]-[0115]]
- receiving the records for the first operation at the client server computer;  
[Satyanarayanan, paragraph [0116]]

- creating a first operation storage area for the first operation in memory of the client server computer; [Satyanarayanan, paragraph [0121]]
- maintaining a central data base of records at the client server, wherein each record of the central database comprises file identifying information, [Satyanarayanan, paragraph [0115] with Satyanarayanan, paragraph [0121]] wherein the file identifying information is not duplicated in any other record of the central database; [Satyanarayanan, paragraph [0172]] and
- for each one record received as part of the first operation, determining at the client server computer whether to request that the associated file be uploaded from the client computer, [Satyanarayanan, paragraph [0111] with Satyanarayanan, paragraph [0113] with Satyanarayanan, paragraph [0119]] and adding an entry into the corresponding first operation storage area; [Satyanarayanan, paragraph [0121]]...
- wherein for a case in which a match is found the associated file is not uploaded from the client computer and said adding comprises adding the identifying information as part of the corresponding entry in the first operation storage area, and wherein file contents for the associated file are not stored in the corresponding first operation storage area, [Satyanarayanan, paragraph [0115] with Satyanarayanan, paragraph [0121]]
- wherein for a case in which a match is not found, the associated file is uploaded from the client computer and said adding comprises receiving file contents for the associated file from the client computer and storing the received file contents and



the unmatched identifying information as the entry in the first operation storage area" [Satyanarayanan, paragraph [0115] with Satyanarayanan, paragraphs [0122]-[0123]].

Satyanarayanan discloses the above limitations but does not expressly teach:

- "...wherein said determining comprises testing the identifying information in said received one record to seek a match against identifying information of any records within the central database."

With respect to Claim 1, an analogous art, Ching, teaches:

- "...wherein said determining comprises testing the identifying information in said received one record to seek a match against identifying information of any records within the central database" [Ching, col. 19, lines 13-18 with Satyanarayanan, paragraph [0111] with Satyanarayanan, paragraph [0115]].

It would have been obvious to one of ordinary skill in the art at the time of invention having the teachings of Ching and Satyanarayanan before him/her to combine Ching with Satyanarayanan because both inventions are directed towards comparing files.

Ching's invention would have been expected to successfully work well with Satyanarayanan's invention because both inventions use computers with file comparison capabilities. Satyanarayanan discloses a method and system for asynchronous transmission, backup, distribution of data and file sharing comprising comparing modification times and file hashes (checksums) to determine if two files are different. However, Satyanarayanan does not expressly disclose comparing file sizes.

Ching discloses a hierarchical document comparison system and method comprising comparing file sizes of files.

It would have been obvious to one of ordinary skill in the art at the time of invention having the teachings of Ching and Satyanarayanan before him/her to take the comparison of file sizes from Ching and install it into the invention of Satyanarayanan, thereby offering the obvious advantage of having an easy way to determine the lower bounds of how much of a file was changed.

**Claim 3** can be mapped to Satyanarayanan (as modified by Ching) as follows:

"The method of claim 1, wherein for the case in which a match is not found, further comprising the step of adding an entry into the central database when said identifying information has been uploaded to the client server computer for a threshold number of times" [Satyanarayanan, paragraph [0115] with Satyanarayanan, paragraphs [0122]-[0123] with Satyanarayanan, paragraph [0089]].

**Claim 4** can be mapped to Satyanarayanan (as modified by Ching) as follows:

"The method of claim 1, wherein for the case in which a match is not found, further comprising the step of adding an entry into the central database when said identifying information has been uploaded to the client server computer by a threshold number of client computers" [Satyanarayanan, paragraph [0115] with Satyanarayanan, paragraphs [0122]-[0123] with Satyanarayanan, paragraph [0089]].

**Claim 5** can be mapped to Satyanarayanan (as modified by Ching) as follows:

"The method of claim 1, in which the first operation is a back-up operation of files from

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the client computer to the client server computer, [Satyanarayanan, paragraph [0087]]

and further comprising:

- identifying a back-up operation to restored to a requesting client computer;  
[Satyanarayanan, paragraph [0087]]
- locating the operation storage area for the identified back-up operation;  
[Satyanarayanan, paragraph [0087] with Satyanarayanan, paragraphs [0133]-  
[0134]]
- for each record in the located operation storage area, downloading the  
corresponding file contents to the client computer as part of a restore from back-  
up process” [Satyanarayanan, paragraph [0087] with Satyanarayanan, paragraph  
[0124]].

**Claim 6** can be mapped to Satyanarayanan (as modified by Ching) as follows:

“The method of claim 5, further comprising prior to the step of downloading the steps of:

- determining whether file contents associated with the identifying information of  
said record in the located operation storage area are present in said located  
operation storage area; [Satyanarayanan, paragraph [0087] with  
Satyanarayanan, paragraph [0124]]
- for the case in which the associated file contents are not present, searching the  
central database for the central database record with matching identifying  
information; [Satyanarayanan, paragraph [0087] with Satyanarayanan, paragraph  
[0124]] and

- accessing the file contents associated with the matching central database record as being the corresponding file contents to be downloaded for the corresponding record in the operation storage area” [Satyanarayanan, paragraph [0087] with Satyanarayanan, paragraph [0124]].

**Claim 7** can be mapped to Satyanarayanan (as modified by Ching) as follows:

“The method of claim 1, further comprising the steps:

- maintaining an operation log having an entry for each operation, each operation log entry comprising an operation identifier, [Satyanarayanan, paragraph [0125]] and
- recovering back-up files stored on the client server for a back-up operation, [Satyanarayanan, paragraph [0087] with Satyanarayanan, paragraph [0124]] said recovering comprising the steps of:
  - downloading from the client server to a requesting client computer a list of back-up operations performed for the requesting client computer derived from a search of the operation log; [Satyanarayanan, paragraph [0087] with Satyanarayanan, paragraphs [0124]-[0125]]
  - selecting at the client computer a back-up operation to restore from the list of back-up operations; [Satyanarayanan, paragraph [0126]]
  - receiving at the client server an indication of the back-up operation to be restored; [Satyanarayanan, paragraph [0087] with Satyanarayanan, paragraph [0127]]

- locating the operation storage area corresponding to the indicated back-up operation; [Satyanarayanan, paragraph [0127] with Satyanarayanan, paragraph [0133]] and
- for each record in the located back-up storage area downloading the corresponding file contents to the client computer” [Satyanarayanan, paragraph [0127]].

**Claim 12** can be mapped to Satyanarayanan (as modified by Ching) as follows:

“The method of claim 1, further comprising the steps of:

- generating a first icon at the client computer for accessing online storage; [Satyanarayanan, paragraph [0125] with Satyanarayanan, Fig. 10]
- in response to activation of the icon, displaying a directory of online storage data generated during prior upload operations by the client computer” [Satyanarayanan, paragraphs [0124]-[0125] with Satyanarayanan, Fig. 10].

**Claim 13** can be mapped to Satyanarayanan (as modified by Ching) as follows:

“The method of claim 12, wherein the directory comprises a listing of back-ups”

[Satyanarayanan, paragraph [0125] with Satyanarayanan, Fig. 10].

**Claim 14** can be mapped to Satyanarayanan (as modified by Ching) as follows:

“The method of claim 13, wherein the directory comprises a listing of files associated with a select back-up among said listing of back-ups” [Satyanarayanan, paragraph [0125] with Satyanarayanan, Fig. 10].

**Claim 16** encompasses substantially the same scope of the invention as that of Claim 1, in addition to a method and some steps for performing the method steps of

Claim 1. Therefore, Claim 16 is rejected for the same reasons as stated above with respect to Claim 1.

**Claim 17** can be mapped to Satyanarayanan (as modified by Ching) as follows:  
“The method of claim 16, in which the operation identifier comprises a timestamp”  
[Satyanarayanan, paragraph [0115]].

**Claim 18** can be mapped to Satyanarayanan (as modified by Ching) as follows:  
“The method of claim 16, in which the database is a file cache” [Satyanarayanan, paragraph [0178]].

**Claim 19** can be mapped to Satyanarayanan (as modified by Ching) as follows:  
“The method of claim 16, in which the first operation is a back-up operation, and further comprising:

- identifying the back-up operation which corresponds to a requested restore-from-back-up from a requesting client computer; [Satyanarayanan, paragraph [0087]]
- locating each record in the database corresponding to the identified back-up operation; [Satyanarayanan, paragraph [0087] with Satyanarayanan, paragraphs [0133]-[0134]] and
- for each located record in the database having file contents downloading the file contents to the client computer; [Satyanarayanan, paragraph [0087] with Satyanarayanan, paragraph [0124]] and
- for each located record in the database having not file contents, locating another record in the database which has file contents and the same identifying information, and downloading the file contents of said another record to the client

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computer" [Satyanarayanan, paragraphs [0121]-[0123] with Satyanarayanan, paragraph [0115]].

**Claims 24-26** encompass substantially the same scope of the invention as that of Claims 12-14, respectfully, in addition to a method and some steps for performing the method steps of Claims 12-14, respectfully. Therefore, Claims 24-26 are rejected for the same reasons as stated above with respect to Claims 12-14, respectfully.

**Claim 28** encompasses substantially the same scope of the invention as that of Claim 1, in addition to a system and some means for performing the method steps of Claim 1. Therefore, Claim 28 is rejected for the same reasons as stated above with respect to Claim 1. Additionally, Claim 28 has some limitations not in Claim 1, but are still met by the art as shown below.

"...a client server computer comprising system memory and expandable memory [Satyanarayanan, paragraphs [0068]-[0069]]...

means for carrying communications between the plurality of client computers and the client server computer" [Satyanarayanan, paragraph [0069]].

**Claim 30's** limitation(s) have already been met by Claim 7's limitation(s). Therefore, Claim 30 is rejected for the same reason(s) as stated above with respect to Claim 7.

**Claims 34-36** encompass substantially the same scope of the invention as that of Claims 12-14, respectfully, in addition to a system and some means for performing the method steps of Claims 12-14, respectfully. Therefore, Claims 34-36 are rejected for the same reasons as stated above with respect to Claims 12-14, respectfully.

**Claim 38** can be mapped to Satyanarayanan (as modified by Ching) as follows:

"The system of claim 28, in which the reference storage means comprises:

- a plurality of storage space portions, wherein each one storage space portion of the plurality of storage space portions is dedicated to a corresponding one client computer among the plurality of client computers; [Satyanarayanan, paragraphs [0072], [0074], [0103], [0116]-[0118], [0214]-[0215], and [0217] with Satyanarayanan, Fig. 10] and
- in which the central database comprises a plurality of database portions, wherein each one database portion of the plurality of database portions is dedicated to a corresponding one client computer among the plurality of client computers" [Satyanarayanan, paragraphs [0072], [0089], [0116]-[0118], [0214]-[0215], and [0217]].

12. Claims 2 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0046260 (Satyanarayanan et al.) in view of U.S. Patent No. 6,560,620 (Ching), further in view of U.S. Patent No. 6,229,813 (Buchko et al.).

For **Claim 2**, Satyanarayanan (as modified by Ching) teaches: "The method of claim 1, further comprising the step of adding an entry into a file log for each one record received, wherein said entry comprises the identifying information for said one record, [Satyanarayanan, paragraph [0119]] wherein a common file log is maintained at the



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client server for all client computers, [Satyanarayanan, paragraph [0104]] and wherein for the case in which a match is not found, further comprising."

Satyanarayanan (as modified by Ching) discloses the above limitation but does not expressly teach:

- "...searching the file log to count a number of entries which have identical identifying information; and
- when said number exceeds a threshold number creating a record in the central database for the identifying information."

With respect to Claim 2, an analogous art, Buchko, teaches:

- "...searching the file log to count a number of entries which have identical identifying information; [Buchko, col. 12, lines 36-46 with Satyanarayanan, paragraph [0115]] and
- when said number exceeds a threshold number creating a record in the central database for the identifying information" [Buchko, col. 12, lines 36-46 with Satyanarayanan, paragraph [0115]].

It would have been obvious to one of ordinary skill in the art at the time of invention having the teachings of Buchko and Satyanarayanan (as modified by Ching) before him/her to combine Buchko with Satyanarayanan (as modified by Ching) because both inventions are directed towards queue processing.

Buchko's invention would have been expected to successfully work well with Satyanarayanan (as modified by Ching)'s invention because both inventions use queues. Satyanarayanan (as modified by Ching) discloses a method and system for

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asynchronous transmission, backup, distribution of data and file sharing comprising a queue acting like a file log. However, Satyanarayanan (as modified by Ching) does not expressly disclose a threshold on the queue. Buchko discloses a pointer system for queue size control in a multi-task processing application comprising queue thresholds.

It would have been obvious to one of ordinary skill in the art at the time of invention having the teachings of Buchko and Satyanarayanan (as modified by Ching) before him/her to take the queue threshold from Buchko and install it into the invention of Satyanarayanan (as modified by Ching), thereby offering the obvious advantage of not consuming a large amount of client resources by blocking a large queue on the client as the file log.

**Claim 29** encompasses substantially the same scope of the invention as that of Claim 2, in addition to a system and some means for performing the method steps of Claim 2. Therefore, Claim 29 is rejected for the same reasons as stated above with respect to Claim 2.

13. Claims 8-11, 20-23, and 31-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0046260 (Satyanarayanan et al.) in view of U.S. Patent No. 6,560,620 (Ching), further in view of U.S. Patent No. 6,011,758 (Dockes et al.).

For **Claim 8**, Satyanarayanan (as modified by Ching) teaches: "The method of claim 1, in which the first operation is a back-up operation [Satyanarayanan, paragraph [0087]] and further comprising the steps of."

Satyanarayanan (as modified by Ching) discloses the above limitations but does not expressly teach:

- "...generating at the client server computer an archive copy of the identified files onto a portable media."

With respect to Claim 8, an analogous art, Dockes, teaches:

- "...generating at the client server computer an archive copy of the identified files onto a portable media" [Dockes, col. 9, lines 43-59].

It would have been obvious to one of ordinary skill in the art at the time of invention having the teachings of Dockes and Satyanarayanan (as modified by Ching) before him/her to combine Dockes with Satyanarayanan (as modified by Ching) because both inventions are directed towards archiving.

Dockes's invention would have been expected to successfully work well with Satyanarayanan (as modified by Ching)'s invention because both inventions archive files. Satyanarayanan (as modified by Ching) discloses a method and system for asynchronous transmission, backup, distribution of data and file sharing comprising comparing modification times and file hashes (checksums) to determine if two files are different. However, Satyanarayanan (as modified by Ching) does not expressly disclose archiving data onto portable media. Dockes discloses a system and method for production of compact discs on demand comprising writing files to portable media (CDs) for archival purposes.

It would have been obvious to one of ordinary skill in the art at the time of invention having the teachings of Dockes and Satyanarayanan (as modified by Ching)

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before him/her to take the comparison of file sizes from Dockes and install it into the invention of Satyanarayanan (as modified by Ching), thereby offering the obvious advantage of archiving files to portable media so as to be able to restore the files if there is future data loss/corruption.

**Claim 9** can be mapped to Satyanarayanan (as modified by Ching and Dockes) as follows: "The method of claim 8, in which the step of generating comprises:

- for an identified file, searching the central database for a central database record identifying information which matches the identifying information of the identified file; [Satyanarayanan, paragraph [0124] with Dockes, col. 9, lines 43-59] and
- accessing the file contents associated with the matched central database record as being the corresponding file contents to be included in the archive copy" [Satyanarayanan, paragraph [0124] with Dockes, col. 9, lines 43-59].

For **Claim 10**, Satyanarayanan (as modified by Ching) teaches: "The method of claim 1."

Satyanarayanan (as modified by Ching) discloses the above limitation but does not expressly teach: "...in which the first operation is a publishing operation and further comprising the steps of:

- receiving an indication from the client computer requesting the publishing operation a number of copies to publish; and
- generating at the client server computer a copy of the identified files onto a portable media for each of said number of copies to publish."

With respect to Claim 10, an analogous art, Dockes, teaches: "...in which the first operation is a publishing operation [Dockes, col. 9, lines 43-59] and further comprising the steps of:

- receiving an indication from the client computer requesting the publishing operation a number of copies to publish; [Dockes, col. 9, lines 43-59 with Dockes, col. 9, lines 16-18] and
- generating at the client server computer a copy of the identified files onto a portable media for each of said number of copies to publish" [Dockes, col. 9, lines 43-59 with Dockes, col. 9, lines 16-18].

It would have been obvious to one of ordinary skill in the art at the time of invention having the teachings of Dockes and Satyanarayanan (as modified by Ching) before him/her to combine Dockes with Satyanarayanan (as modified by Ching) because both inventions are directed towards archiving.

Dockes's invention would have been expected to successfully work well with Satyanarayanan (as modified by Ching)'s invention because both inventions archive files. Satyanarayanan (as modified by Ching) discloses a method and system for asynchronous transmission, backup, distribution of data and file sharing comprising comparing modification times and file hashes (checksums) to determine if two files are different. However, Satyanarayanan (as modified by Ching) does not expressly disclose *this* interpreted publishing operation or archiving copies of data onto portable media. Dockes discloses a system and method for production of compact discs on demand comprising writing files to portable media (CDs) for archival purposes.

It would have been obvious to one of ordinary skill in the art at the time of invention having the teachings of Dockes and Satyanarayanan (as modified by Ching) before him/her to take the comparison of file sizes from Dockes and install it into the invention of Satyanarayanan (as modified by Ching), thereby offering the obvious advantage of archiving files to portable media so as to be able to restore the files if there is future data loss/corruption.

**Claim 11** can be mapped to Satyanarayanan (as modified by Ching and Dockes) as follows: "The method of claim 10, in which the step of generating comprises:

- for an identified file, searching the central database for a central database record identifying information which matches the identifying information of the identified file; [Satyanarayanan, paragraph [0124] with Dockes, col. 9, lines 43-59] and
- accessing the file contents associated with the matched central database record as being the corresponding file contents to be included in each of said number of copies" [Satyanarayanan, paragraph [0124] with Dockes, col. 9, lines 43-59 with Dockes, col. 9, lines 16-18].

**Claim 20** encompasses substantially the same scope of the invention as that of Claim 8, in addition to a method and some steps for performing the method steps of Claim 8. Therefore, Claim 20 is rejected for the same reasons as stated above with respect to Claim 8.

**Claim 21** can be mapped to Satyanarayanan (as modified by Ching and Dockes) as follows: "The method of claim 20, in which the step of generating an archive copy comprises:

- for an identified file, searching the database for an entry having identifying information which matches the identifying information of the identified file and which includes file contents; [Satyanarayanan, paragraph [0124] with Dockes, col. 9, lines 43-59] and
- storing the file contents from the matched information in the archive copy as being the corresponding file contents for the identified file” [Satyanarayanan, paragraph [0124] with Dockes, col. 9, lines 43-59].

**Claim 22** encompasses substantially the same scope of the invention as that of Claim 10, in addition to a method and some steps for performing the method steps of Claim 10. Therefore, Claim 22 is rejected for the same reasons as stated above with respect to Claim 10.

**Claim 23** can be mapped to Satyanarayanan (as modified by Ching and Dockes) as follows: “The method of claim 22, in which the step of generating the copy onto portable media comprises:

- for an identified file, searching cache memory for an entry having identifying information which matches the identifying information of the identified file and which includes file contents; [Satyanarayanan, paragraph [0124] with Dockes, col. 9, lines 43-59 with Satyanarayanan, paragraph [0178]] and
- storing the file contents from the matched information as being the corresponding file contents for the identified file to be included in each of said number of copies” [Satyanarayanan, paragraph [0124] with Dockes, col. 9, lines 43-59 with Dockes, col. 9, lines 16-18].

**Claim 31** encompasses substantially the same scope of the invention as that of Claim 8, in addition to a system and some means for performing the method steps of Claim 8. Therefore, Claim 31 is rejected for the same reasons as stated above with respect to Claim 8.

**Claim 32's** limitation(s) have already been met by Claim 9's limitation(s). Therefore, Claim 32 is rejected for the same reason(s) as stated above with respect to Claim 9.

**Claim 33** encompasses substantially the same scope of the invention as that of Claim 10, in addition to a system and some means for performing the method steps of Claim 10. Therefore, Claim 33 is rejected for the same reasons as stated above with respect to Claim 10.

14. Claims 15, 27, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0046260 (Satyanarayanan et al.) in view of U.S. Patent No. 6,560,620 (Ching), further in view of U.S. Patent No. 6,665,726 (Leighton et al.).

For **Claim 15**, Satyanarayanan (as modified by Ching) teaches: "The method of claim 1, in which the first operation is a publishing operation [Satyanarayanan, paragraph [0121] with Satyanarayanan, paragraph [0115]] and further comprising the steps of:

- generating a first icon at the client computer for accessing a publication from online storage, [Satyanarayanan, paragraph [0125] with Satyanarayanan, Fig.



10] wherein the publication is an image file having an image file type from among a group of image file types including a video image, an audio image, an audio-video image and a multimedia image..." [Satyanarayanan, paragraph [0071]].

Satyanarayanan (as modified by Ching) discloses the above limitations but does not expressly teach:

- "...in response to activation of the first icon, streaming the image file from the client server to the requesting client computer for real-time playback at the requesting client computer."

With respect to Claim 15, an analogous art, Leighton, teaches:

- "...in response to activation of the first icon, streaming the image file from the client server to the requesting client computer for real-time playback at the requesting client computer" [Leighton, col. 4, lines 35-64 with Satyanarayanan, paragraph [0127]].

It would have been obvious to one of ordinary skill in the art at the time of invention having the teachings of Leighton and Satyanarayanan (as modified by Ching) before him/her to combine Leighton with Satyanarayanan (as modified by Ching) because both inventions are directed towards transferring files/data.

Leighton's invention would have been expected to successfully work well with Satyanarayanan (as modified by Ching)'s invention because both inventions use computer connected via network(s) to transfer data. Satyanarayanan (as modified by Ching) discloses a method and system for asynchronous transmission, backup, distribution of data and file sharing comprising publishing data of, essentially, any type.

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However, Satyanarayanan (as modified by Ching) does not expressly disclose streaming data. Leighton discloses a method and system for fault tolerant media streaming over the internet comprising transferring files in real time with a streaming protocol for multimedia playback.

It would have been obvious to one of ordinary skill in the art at the time of invention having the teachings of Leighton and Satyanarayanan (as modified by Ching) before him/her to take the transferring of data via streaming from Leighton and install it into the invention of Satyanarayanan (as modified by Ching), thereby offering the obvious advantage of the user being able to use the data prior to all of the data being received.

**Claim 27** encompasses substantially the same scope of the invention as that of Claim 15, in addition to a method and some steps for performing the method steps of Claim 15. Therefore, Claim 27 is rejected for the same reasons as stated above with respect to Claim 15.

**Claim 37** encompasses substantially the same scope of the invention as that of Claim 15, in addition to a system and some means for performing the method steps of Claim 15. Therefore, Claim 37 is rejected for the same reasons as stated above with respect to Claim 15.

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**Conclusion**

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is advised that, although not used in the rejections above, prior art cited on the PTO-892 form and not relied upon is considered materially relevant to the applicant's claimed invention and/or portions of the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brent S. Stace whose telephone number is 571-272-8372 and fax number is 571-273-8372. The examiner can normally be reached on M-F 9am-5:30pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Gaffin can be reached on 571-272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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